

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

MEGAN FELICE JOLLY,

Plaintiff,

v.

SOUTHEASTERN MICHIGAN  
HEALTH ASSOCIATION,

Defendant.

Case No. 2:10-CV-12617  
Honorable Victoria A. Roberts  
Magistrate Judge R. Steven Whalen

**ORDER ON DEFENDANT'S MOTION FOR RECONSIDERATION OF THE COURT'S  
NOVEMBER 1, 2010 ORDER, AND ON DEFENDANT'S MOTION TO PARTIALLY  
STAY THE ORDER PENDING RECONSIDERATION**

On November 4, 2010 Defendant filed a Motion for Reconsideration and Modification of the Court's November 1, 2010 Order (Doc. #20). The motion was fully briefed. For an order to be reconsidered and modified, the moving party must show both that there is "a palpable defect by which the court and the parties and other persons entitled to be heard on the motion have been misled," and "that correcting the defect will result in a different disposition of the case." E.D.Mich. L.R. 7.1(h)(3).

The Court's November 1, 2010 Order required, among other things, the transfer of information from Plaintiff's notebooks to field record forms. The purpose of this was to provide Defendant with the records it must maintain as a public health organization. In its brief, Defendant mentions the previously undisclosed facts that "a new employee was required to do the work Plaintiff did not do," and that consequently "records exist that another employee completed on these very individuals." Defendant Brief in Support of Motion for Reconsideration, pg 10. Since this other employee has

completed or duplicated the disputed work, it is no longer necessary for Plaintiff to transfer the contents of her notebooks to field record forms. Based on this new information, the following is ordered:

1. Plaintiff's counsel is to immediately send to defense counsel, all notebooks and all copies made of the notebooks.
2. Defense counsel must keep the notebooks in her possession and must make certain that they are not destroyed or altered.
3. The parties are to attempt to stipulate to a protective order under which Defendant can disclose the following items to Plaintiff: the notebooks, field records, including those that Defendant says have been prepared by another employee on "the work Plaintiff did not do," and other pertinent documents.
4. Plaintiff is also to submit an affidavit to Defendant, providing information concerning all people to whom she disclosed information contained in her notebooks.

On November 4, 2010 Defendant also filed a Motion to Partially Stay the Court's November 1, 2010 Order Pending Resolution of the Motion for Reconsideration (Doc. # 21). Since the Motion for Reconsideration is now resolved, this motion to stay is moot.

**IT IS ORDERED.**

/s/ Victoria A. Roberts  
Victoria A. Roberts  
United States District Judge

Dated: December 9, 2010

The undersigned certifies that a copy of this document was served on the attorneys of record by electronic means or U.S. Mail on December 9, 2010.

s/Linda Vertriest \_\_\_\_\_  
Deputy Clerk